HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

W.A. No.551 OF 2007

Between:

A.P. Housing Board, Hyderabad and others
. . .Appellants

AND

I.Lakshmana Mohana Rao and another
. . .Respondents

:: ORDER ::

Counsel for the appellants : Shri A.Ramalingeswara Rao

Counsel for the respondent : Shri Ranganatha Kumar

10th July, 2007

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PER G.S.SINGHVI, CJ

This appeal is directed against order dated 30.11.2006 passed by the learned Single Judge in Writ Petition No.13376 of 2006 whereby she indirectly annulled the action taken by Andhra Pradesh Housing Board (for short, 'the Board') for cancellation of allotment of MIG-2 house bearing No.31 in Phase-IX of Kukatpally Housing Board Colony, Hyderabad and directed processing of the case for registration of the house in favour of the writ petitioner (the respondent herein) subject to remission of Rs.4,98,327/-.

We have heard learned counsel for the parties and scrutinized the record. We have also carefully gone through the conditions of allotment.

In our opinion, it is not necessary to adjudicate on the legality or otherwise of proceedings dated 18.04.2006 issued by the Board because counsel appearing for the respondent gave out that his client is ready and willing to comply with the conditions of allotment, which will necessarily include payment of the outstanding instalments with penal interest.

In view of the above, we set aside the order of the learned Single Judge and direct that if within a period of two months from today, the respondent deposits amount outstanding as on today with penal interest, the concerned authority of the Board shall execute agreement and take steps in accordance with the conditions of allotment. This would necessarily mean that if the respondent fails to pay the amount

outstanding as on today with penal interest, then the cancellation of allotment shall get automatically revived. In that event, the respondent shall not be entitled to lodge any claim for compensation or file litigation on that score. The respondent shall also have to pay the remaining instalments in accordance with the conditions of allotment. Else, the competent authority of the Board shall be free to take action in accordance with law.

As a sequel to disposal of the appeal in the manner indicated above, WAMP No.1066 of 2007 filed by the appellants is disposed of as infructuous.

G.S.SINGHVI, CJ

10th July, 2007

C.V.NAGARJUNA REDDY, J

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